

**UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

**Satellite Feed For NCE Translators)
On Non-Reserved Frequencies)**

FCC Docket RM-10609

**REPLY COMMENTS OF
THE AMHERST ALLIANCE**

THE AMHERST ALLIANCE is a Net-based, nationwide citizens' advocacy group, founded in Amherst, Massachusetts on September 17, 1998. Our Members are current small broadcasters, aspiring small broadcasters and rank-and-file radio listeners. In numerous filings with the FCC, and related statements to Congress, we have actively advanced the goals of media diversity in general and Low Power Radio in particular.

We Oppose Calvary Chapel's Petition For Rulemaking

In these Reply Comments, THE AMHERST ALLIANCE expresses its *strong opposition* to the Petition For Rulemaking filed by Calvary Chapel, which has become Docket RM-10609. There are too many satellite translators On The Air already -- and there is also insufficient variety in the programming they broadcast.

As REC NETWORKS has documented, in its December 4, 2002 Written Comments in this Docket, Calvary Chapel in particular, and evangelical broadcasting "chains" in general, already account for a disproportionately large share of satellator programming. At this point, their share of the airwaves should be *decreased* -- not increased.

We are *not* asserting that religious broadcasting, as such, is over-represented. We claim only that *standardized* religious broadcasting, by national or international evangelical "chains", is over-represented.

We note that local “franchises” of evangelical “chains” can displace local *religious* programming just as surely as they can displace local secular programming.

Taking THE AMHERST ALLIANCE itself as an example, our Members and allies have certainly included agnostics, and others who are skeptical toward traditional religious beliefs -- but our Members and allies have *also* included several current and aspiring broadcasters of locally based religious programming. It is ironic, but true, that Calvary Chapel’s Petition For Rulemaking could keep some of these small, local, “homegrown” religious stations from getting On The Air.

In General, We Endorse REC NETWORKS’ Recommendations

As a *general* proposition, THE AMHERST ALLIANCE endorses, and associates itself with, the analysis and recommendations found in the December 4, 2002 *Written* Comments by REC NETWORKS of Mesa, Arizona. Our Members have not had time to review REC NETWORKS’ *Reply* Comments of December 29, 2002.

We definitely join in REC NETWORKS’ call for rejection of Calvary Chapel’s Petition For Rulemaking, but we *also* heartily endorse REC NETWORKS’ specific recommendation that “distance translators” -- whether satellite-oriented or traditional -- should have a Service Status priority below that of locally oriented Low Power FM stations. That is: A new “distance translator” should not be able to displace an existing or proposed Low Power Radio station, but a new Low Power Radio station should be able to displace an existing “distance translator”.

To accomplish this result, either Low Power FM stations should be awarded Primary Service Status *or* a new category of Tertiary Service Status should be created for “distance translators”. The Commission has previously rejected the first approach, during the course of establishing a Low Power Radio Service, but it could still adopt the second approach -- without compromising the availability of *any* existing programming by *any* truly local station.

We note that THE AMHERST ALLIANCE, and 10 other parties, proposed this second approach in an omnibus Petition For Rulemaking on spectrum allocation. This Petition For Rulemaking, which we hereby incorporate by reference, was filed with the Commission on April 15, 2002. The Petition is currently posted on the FCC’s Electronic Comment Filing System (ECFS), under the Document Files for both PRM02ET (a “holding tank” for matters awaiting action by the FCC’s Office of Engineering and Technology) and FCC Docket 95-31 (perhaps in response to our April 2002 request that the Commission consider the Petition as part of the ongoing proceedings in that Docket). To date, the Commission has not rejected or denied our omnibus spectrum allocation Petition, nor responded to it any other manner.

With a single exception, which is discussed below, we at Amherst now reiterate our support for defining “long distance translators”, which REC NETWORKS calls “distance translators”, in the manner proposed on page 9 of the April 15, 2002 omnibus Petition For Rulemaking on spectrum allocation. To wit:

- (A) A *long distance translator* is a translator which:
 - (I) relies primarily or exclusively on satellite transmissions for the programming it relays;
and/or
 - (II) relays signals, by any other means, more than 60 miles from the studio in which the programming originates.
- (B) A *translator* is any translator which is not a long distance translator (as defined above).

**Amherst's *Specific* Approach To "Distance Translators"
Differs *Slightly* From REC NETWORKS' Specific Approach**

Amherst's specific approach to "distance translators", which we have called "long distance translators", differs *slightly* from REC NETWORKS' approach:

1. Amherst's established position reflects the aforementioned recommendation in the April 15, 2002 multi-party Petition For Rulemaking on spectrum allocation. That is: Since April of 2002, Amherst has favored a definition, of potentially displaceable "long distance translators", which includes *all* satellators -- as well as all traditional translators that are located more than 60 miles (100 kilometers) from the broadcasting studio where the programming originates.

By contrast, REC NETWORKS would define "distance translators" to include *only* those translators, whether satellite-oriented or not, which are: (a) located in an entirely different State from the broadcasting studio where the programming originates; *and also* (b) located more than 240 miles (400 kilometers) from the "home base" studio.

Some AMHERST ALLIANCE Members in the Western States have recently responded to REC NETWORKS' recommendation by asserting, in our internal discussions, that the 60-mile threshold for traditional translators is indeed too confining for their States. Acknowledging that the average distance between communities can be much greater, and the average population density can be much lower, west of the Mississippi River (and even more so west of the Missouri River), Members of Amherst are now willing to adjust our currently recommended definitional threshold for "distance translators", aka "long distance translators", in the case of *Western States* -- which we define as those States where call signs begin with "K" instead of "W".

However, a large majority of our Members, even in the Western United States, continue to believe that REC NETWORKS' proposed definitional threshold of 240 miles (400 kilometers) is too high. As an alternative, limited to points within the Lower 48 *Western* States, we recommend a definitional threshold of *120* miles (200 kilometers).

A clear majority of our Members *also* believe that State lines should not be factored into the definition of a "distance translator" or "long distance translator". For example: A translator in Nebraska City, Nebraska may be in a different State from a "home base" station in St. Joseph, Missouri -- but those two communities are still likely to be linked much more closely, both culturally and economically, than Eureka, California and Los Angeles, California or Midland, Texas and Houston, Texas.

To summarize, THE AMHERST ALLIANCE now recommends that the FCC should define "distance translators", or "long distance translators", to include all satellators, *as well as* all traditional translators which:

- (a) are based East of the Mississippi River, or in Hawaii, and are located more than 60 miles (100 kilometers) from the broadcasting studio where the programming originates;
- or*
- (b) are based West of the Mississippi River, other than Hawaii and Alaska, and are located more than 120 miles (200 kilometers) from the broadcasting studio where the programming originates;
- or*
- (c) are based in Alaska and are located more than 240 miles (400 kilometers) from the broadcasting station where the programming originates.

2. THE AMHERST ALLIANCE supports providing *immediate* protection for existing Low Power FM stations faced with displacement by new "distance translators". However, to minimize the possible disruption of existing broadcasting services, we do *not* recommend allowing *immediate* displacement of existing "distance translators" by new Low Power FM stations. Instead, as discussed in the previously referenced April 15, 2002 Petition For Rulemaking, we propose the establishment of a "transition period" -- by allowing new Low Power FM stations to displace existing "distance translators" *only* as the license for each such translator expires and comes up for renewal.

3. REC NETWORKS presents its "distance translator" policy as a "fallback" option, to be considered when and if the FCC chooses to issue a proposed rule based on the Calvary Chapel Petition. However, Amherst recommends that the FCC should initiate such a "distance translator" policy as a much-needed reform *in its own right*.

As Amherst has apprised the Commission on previous occasions, an excellent vehicle for deliberations on the proposed “distance translator” policy would be the ongoing proceedings in FCC Docket 95-31. These proceedings, initiated last spring in response to a decision by the D.C. Circuit Court, concern setting new rules to govern mutually exclusive competition, for *non-reserved* frequencies on the FM Band, between commercial and Non-Commercial Educational (NCE) stations.

We add that Low Power AM stations, at whatever time in the future they are licensed by the Commission, should *also* have the ability to displace “distance translators”, aka “long distance translators”, during a reasonable “transition period” -- and should themselves be protected from displacement by such translators.

**We Are Cautious About Recommending
Microwave Transmissions As A Substitute
For Translator Stations**

THE AMHERST ALLIANCE does not join in REC NETWORKS’ endorsement of microwave transmissions as a possible alternative to “distance” or “long distance” translators. Our minds are open to the possibility of microwave transmissions at *low* levels of Effective Radiated Power (ERP), but we are not prepared to endorse microwave transmissions at higher levels until and unless much more is known about the various environmental effects of microwave transmissions *and* the rising toll of fatal bird collisions with microwave towers.

Fortunately, there are many aspiring small and local broadcasters -- including, but not limited to, Low Power FM licensees and future Low Power AM licensees -- who are, and for some time have been, more than willing to serve the radio-listening public in place of satellators, traditional translators *or* microwave towers.

Conclusions

For the reasons set forth herein, we heartily urge the Commission to: (1) reject Calvary Chapel's Petition For Rulemaking; *and* (2) adopt a policy of making the Service Status of all "distance translators", aka "long distance translators", secondary to the Service Status of all truly local broadcasters, including Low Power Radio stations.

Respectfully submitted,

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